

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

LEE ROY J. STANSBERRY,

Plaintiff,

v.

ENTRY State of Alaska, *et al.*,

Defendants.

Case No. 3:22-cv-00281-SLG

ORDER OF DISMISSAL FOR DEFICIENT FILING

On December 13, 2022, Lee Roy J. Stansberry, a self-represented prisoner, filed a Complaint titled “Contempt of U.S. Marshals Hate Mail Crimes to Undermining Black Prisoner.”¹ The Court sent a Notice of Electronic Filing (“NEF”) confirming receipt of the filing to Mr. Stansberry, which was returned as undeliverable.² A notation on the returned envelope indicates Mr. Stansberry refused to accept the mail.³

In order to properly commence a civil action, a litigant must either pay the filing fee of \$402.00 or file an application to waive prepayment of the filing fee.⁴ Prisoner litigants requesting to waive prepayment of the filing fee must include a

¹ Docket 1.

² Docket 2.

³ *Id.*

⁴ Local Civil Rule 3.1(c).

statement from their prison trust account for the past six months.⁵ Mr. Stansberry has not paid the filing fee or filed the application to waive prepayment of the fee. Accordingly, this civil action is deficient.

The Court takes judicial notice⁶ that Mr. Stansberry has recently filed six other cases with this Court that have also not included the filing fee or an application to waive prepayment of the filing fee.⁷ Further, the orders notifying Mr. Stansberry the filings were deficient have also all been returned to the Court as refused, undeliverable mail. In the interests of judicial economy, the Court must dismiss this case without leave to amend, but without prejudice should Mr. Stansberry seek to properly file a complaint and pay the filing fee or file the application to waive prepayment.

⁵ Local Civil Rule 3.1(c)(3).

⁶ Judicial notice is the “court’s acceptance, for purposes of convenience and without requiring a party’s proof, of a well-known and indisputable fact; the court’s power to accept such a fact.” Black’s Law Dictionary (11th ed. 2019). A court can take judicial notice of its own files and records. Fed. R. Evid. 201.

⁷ See *Stansberry v. Enter State of Alaska Govs Dunleavy*, Case No. 3:22-cv-214-SLG, Docket 2 (Returned/Udelliverable Mail 10/14/2022), Docket 3 (Deficient Filing Order dated 10/17/2022), Docket 4 (Returned/Udelliverable Mail 11/01/2022); *Stansberry v. Entry U.S. District Court*, Case No. 3:22-cv-00223-JMK, Docket 2 (Returned/Udelliverable Mail 10/24/2022), Docket 3 (Deficient Filing Order dated 11/02/2022), Docket 4 (Returned/Udelliverable Mail 11/15/2022); *Stansberry v. Entry U.S. District Court*, Case No. 3:22-cv-00231-JMK, Docket 2 (Deficient Filing Order dated 11/02/2022), Docket 3 (Returned/Udelliverable Mail 11/15/2022); *Stansberry v. Enter Alaska Dept of Revenue*, Case No. 3:22-cv-211-RRB; Docket 2 (Returned/Udelliverable Mail 10/17/2022), Docket 3 (Deficient Filing Order dated 11/03/2022), Docket 4 (Returned/Udelliverable Mail 11/15/2022); *Stansberry v. Entry U.S. District Court Magistrate Judge John D. Roberts*, 3:22-cv-00257-SLG, Docket 2 (NEF Returned/Udelliverable); Docket 3 (Dismissal for Deficient Filing 12/15/2022); *Stansberry v. Entry Federal Supreme Court*, Case No. 3:22-cv-278-JMK, Docket 2 (NEF Returned/Udelliverable 12/28/2022).

In light of the foregoing, IT IS ORDERED that this action is DISMISSED without prejudice. The Clerk of Court is directed to enter a final judgment accordingly.

DATED this 3rd day of January, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE